

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GFE GLOBAL FINANCE &  
ENGINEERING LTD.,

Plaintiff,

ORDER

12-CV-1801 (JG)

-against-

ECI LIMITED (USA), INC.,  
TRILINI INTERNATIONAL LTD., and  
ROMAN KATSNELSON,

Defendants.

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*Gold, S., United States Magistrate Judge:*

Defendant ECI Limited has moved for an amendment of this Court's previous order to provide that ECI's cross-claims against defendants Trilini International, Inc. and Roman Katsnelson are dismissed without, rather than with, prejudice. Docket Entry 48. Trilini and Katsnelson have submitted opposition to the motion. Docket Entry 49. For the reasons stated below, the motion is granted.

While Trilini and Katsnelson's logic in its memorandum in opposition strikes this Court as correct, one cannot predict with certainty what plaintiff GFE, perhaps with new counsel, might do in the future in terms of renewing its case against ECI. Nor can this Court predict how another court will treat the dismissal of plaintiff's claims in this forum. Of course, ECI could only bring a claim of indemnification and contribution against Trilini and Katsnelson based on the transactions at issue in this case if sued by GFE again based on those same transactions. Thus, if Trilini and Katsnelson are correct and GFE cannot bring such a suit because of the preclusive effect of this Court's previous order, they are in no way prejudiced by a dismissal of

ECI's cross-claims without prejudice. On the other hand, if GFE persuades another court that, even after this Court's dismissal of its claims with prejudice and the denial of its motion to amend on grounds of futility, a case based on the same facts should go forward, ECI should have an opportunity to bring its cross-claims against Trilini and Katsnelson. Accordingly, the motion is granted and ECI's cross-claims are dismissed without prejudice.

SO ORDERED.

/s/  
STEVEN M. GOLD  
United States Magistrate Judge

Dated: Brooklyn, New York  
February 27, 2013

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